

ESTTA Tracking number: **ESTTA291636**

Filing date: **06/24/2009**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

## Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

### Opposer Information

Name	Flextronics International, Ltd.
Granted to Date of previous extension	06/24/2009
Address	514 Chai Chee Lane, #4-013 Bedok Industrial Estate Singapore, 486123 SINGAPORE
Attorney information	Anne H. Peck, Esq. Cooley Godward Kronish LLP 777 6th Street, NWSuite 1100 Washington, DC 20001 UNITED STATES trademarks@cooley.com

### Applicant Information

Application No	77584993	Publication date	02/24/2009
Opposition Filing Date	06/24/2009	Opposition Period Ends	06/24/2009
Applicant	Astron Wireless Technologies, Inc. 22560 Glenn Drive, Suite 114 Sterling, VA 20164 UNITED STATES		

### Goods/Services Affected by Opposition

Class 009. All goods and services in the class are opposed, namely: Antennas
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### Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
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### Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	1492588	Application Date	06/11/1987
Registration Date	06/14/1988	Foreign Priority Date	NONE
Word Mark	FLEXTRONICS		
Design Mark			
Description of Mark	NONE		

Goods/Services	Class 037. First use: First Use: 1970/07/01 First Use In Commerce: 1982/04/06 MANUFACTURING ELECTRONIC COMPONENTS TO THE ORDER AND SPECIFICATION OF OTHERS Class 042. First use: First Use: 1970/07/01 First Use In Commerce: 1982/04/06 ENGINEERING, DESIGN AND TESTING SERVICES FOR THE ELECTRONIC INDUSTRY
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U.S. Registration No.	2508927	Application Date	02/10/2000
Registration Date	11/20/2001	Foreign Priority Date	NONE

Word Mark	FLEXTRONICS
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Design Mark	<b>FLEXTRONICS</b>
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Description of Mark	NONE
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Goods/Services	Class 035. First use: First Use: 1991/05/31 First Use In Commerce: 1991/05/31 Procurement and inventory management services for others, packaging articles to the order and specification of others, and wholesale distributorship services of the products of others, each in the fields of circuit board assemblies, printed circuit boards, integrated circuits, power supplies, product enclosures, product prototypes, product accessories, and components for each of the foregoing Class 037. First use: First Use: 1991/05/31 First Use In Commerce: 1991/05/31 Repair of integrated circuits, printed circuit boards, and a wide variety of electronic products Class 040. First use: First Use: 1991/05/31 First Use In Commerce: 1991/05/31 Manufacturing and assembly to the specification of others, of integrated circuits, printed circuit boards, and a wide variety of electronic products Class 042. First use: First Use: 1991/05/31 First Use In Commerce: 1991/05/31 Design and engineering services for others of integrated circuits, printed circuit boards, and a wide variety of electronic products
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### Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/s/ Jeffrey T. Norberg
Name	Jeffrey T. Norberg
Date	06/24/2009

**Certificate of Transmission**

I hereby certify that this correspondence is being transmitted via the Electronic System for Trademark Trials and Appeal (ESTTA) to: the Commissioner for Trademarks, P.O. Box 1451, Alexandria, Virginia 22313-1451.

\_\_\_\_\_  
(Name)

6/24/2009  
\_\_\_\_\_  
(Date)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the matter of application Serial No. 77/584,993  
For the Trademark FLEXTRON  
Published in the Official Gazette on February 24, 2009

Flextronics International, Ltd.,	)	
	)	
Opposer,	)	
	)	Opposition No.
v.	)	
	)	
Astron Wireless Technologies, Inc.	)	
	)	
Applicant.	)	
_____	)	

**NOTICE OF OPPOSITION**

Opposer Flextronics International, Ltd., ("Flextronics"), a Singapore corporation having its principal place of business at 514 Chai Chee Lane, #04-13, Bedok Industrial Estate, Republic of Singapore 469029, believes that it will be damaged by the issuance of a registration for the mark FLEXTRON, as applied for in Application Serial No. 77/584,993 filed on October 3, 2008

by Applicant Astron Wireless Technologies, Inc. (“Applicant”), a Virginia corporation, with a mailing address at 22560 Glenn Drive, Suite 114, Sterling, VA 20164.

As grounds for opposition, Flextronics alleges that:

1. Flextronics is a leading electronics manufacturing services provider focused on delivering complete design, engineering and manufacturing services to automotive, computing, consumer digital, industrial, infrastructure, medical and mobile OEMs. Flextronics helps customers design, build, ship, and service electronics products through a network of facilities in 30 countries on four continents.

2. Flextronics has used the trade name and the trademark FLEXTRONICS in connection with its services for nearly 40 years and owns two incontestable United States Trademark Registrations: Registration No. 1,492,588 for FLEXTRONICS in the following classes:

- International Class 37 for manufacturing electronic components to the order and specification of others (first use July 1, 1970; first use in commerce April 6, 1982).
- International Class 42 for engineering, design and testing services for the electronic industry (first use July 1, 1970; first use in commerce April 6, 1982)

Registration No. 2,508,927 for FLEXTRONICS in the following classes:

- International Class 35 for procurement and inventory management services for others, packaging articles to the order and specification of others, and wholesale distributorship services of the products of others, each in the fields of circuit board assemblies, printed circuit boards, integrated circuits, power supplies, product enclosures, product prototypes, product accessories, and components for each of the foregoing (first use and first use in commerce May 31, 1991).
- International Class 37 for repair of integrated circuits, printed circuit boards, and a wide variety of electronic products (first use and first use in commerce May 31, 1991).
- International Class 40 for manufacturing and assembly to the specification of others, of integrated circuits, printed circuit boards, and a wide variety of electronic products (first use and first use in commerce May 31, 1991).

- International Class 42 for design and engineering services for others of integrated circuits, printed circuit boards, and a wide variety of electronic products (first use and first use in commerce May 31, 1991).

3. In addition, Flextronics owns common law rights in the FLEXTRONICS mark, which has been continuously, prominently, and conspicuously in use on its website and other materials in interstate commerce in the United States since at least as early as 1982. The Flextronics trade name and all of Flextronics' marks that consist of or incorporate the term FLEXTRONICS or a variant thereof will hereafter be referred to as the "FLEXTRONICS Mark."

4. The FLEXTRONICS Mark is inherently distinctive.

#### **APPLICANT'S USE OF THE FLEXTRON NAME AND MARK**

5. Applicant filed Application Serial No. 77/584,993 for FLEXTRON ("FLEXTRON Application") on an intent-to-use basis on October 3, 2008, for antennas in International Class 9.

6. The FLEXTRON Application was published in the Official Gazette on February 24, 2009.

7. The goods covered by Applicant's FLEXTRON Application are closely related to the services claimed in Flextronics' FLEXTRONICS registrations and as provided by Flextronics in connection with the FLEXTRONICS Mark.

8. Applicant states on its website, in part, that

Astron Wireless Technologies, Inc. (formerly Astron Antenna Co.) is dedicated to providing innovative standard and custom antenna solutions for commercial and military applications. By design our leading-edge technology is incorporated into our diversified antenna product line for rooftop, in-building, tower and mobile applications. Astron also offers custom engineering design through volume manufacturing services with an emphasis on mobile and fixed data devices.

(<http://www.astronwireless.com/about-astron.asp>). On information and belief, Applicant intends to use its FLEXTRON mark in connection with antennas, which will be offered in connection with the services described by Applicant on Applicant's website.

9. The mark Applicant proposes to register, FLEXTRON, is substantially similar to the FLEXTRONICS Mark. Indeed, the FLEXTRON mark is nearly identical to the FLEXTRONICS Mark. Both marks share the same distinctive "FLEXTRON" base and differ only with regard to the common three letter "-ics" suffix. Thus, by dropping the "-ics" base from the inherently distinctive FLEXTRONICS Mark, Applicant has formed a mark that creates a misleading association with Flextronics.

10. Upon information and belief, Applicant selected the FLEXTRON mark with knowledge of and intent to cause confusion with, and to capitalize on the goodwill of, the FLEXTRONICS Mark.

11. Flextronics is not affiliated or connected with Applicant or its products or services; nor has Flextronics endorsed or sponsored Applicant or its services.

12. There is no issue as to priority of use. Flextronics began using its FLEXTRONICS Mark, and enjoys priority as a result of the filing dates of its trademark registrations and applications, well prior to the filing date of the FLEXTRON Application.

**GROUND FOR OPPOSITION:  
LIKELIHOOD OF CONFUSION**

13. Flextronics incorporates by reference Paragraphs 1 through 12, inclusive, as if fully set forth herein.

14. Applicant's FLEXTRON mark is confusingly similar to the FLEXTRONICS Mark in appearance, sound, and commercial impression. Both marks consist of the distinctive root "Flextron." The FLEXTRON mark differs only with respect to the three letter suffix "-ics."

Thus the most distinctive and dominant component of the FLEXTRON mark is identical to the distinctive “Flextron” component of the FLEXTRONICS Mark.

**15.** The product described in the FLEXTRON Application is closely related to the services offered by Flextronics under the FLEXTRONICS Mark and identified in Flextronics’ trademark registrations. According to the identification of goods in its FLEXTRON application, Applicant intends to use the FLEXTRON mark in connection with antennas. Applicant’s website further states that it is in the business of providing custom electronics design and manufacturing consulting services. These goods and services are closely related, and offered under both the FLEXTRON mark and FLEXTRONICS Mark are likely to cause consumer confusion as to their source. However, Flextronics is not affiliated or connected with Applicant or its goods or services, nor has Flextronics endorsed or sponsored Applicant or its goods or services.

**16.** The types of goods identified in the FLEXTRON Application and the types of services offered by Flextronics under the FLEXTRONICS Mark are normally offered through the same channels of trade.

**17.** On information and belief, Applicant chose the FLEXTRON mark with knowledge of, and the intent to create an association with or create a likelihood of confusion with Flextronics’ services and the FLEXTRONICS Mark.

**18.** Registration of the FLEXTRON mark will injure Flextronics by causing the public to be confused or mistakenly believe that the goods and services provided by Applicant are associated with, endorsed, or sponsored by Flextronics. Flextronics has no control over the nature and quality of the products offered by Applicant under the FLEXTRON mark, and Flextronics’ reputation and goodwill will be damaged and the value of the FLEXTRONICS

Mark jeopardized, all to Flextronics' detriment. Further, any defect, objection or fault found with Applicant's goods marketed under the FLEXTRON mark or any services associated therewith would necessarily reflect upon and seriously injure the reputation that Flextronics has established for the services it offers in connection with the FLEXTRONICS Marks.

**19.** Accordingly, registration of the mark herein opposed will damage Flextronics because Applicant's mark is likely, when used on or in connection with the goods described in the opposed application, to cause confusion, or to cause mistake or to deceive. Thus the FLEXTRON mark is unregistrable under Sections 2(d) and 3 of the Trademark Act, as amended, 15 U.S.C. §§ 1052(d) and 1053, and should be refused registration.

**20.** Wherefore, Flextronics prays that this Opposition be sustained, and that Application Serial No. 77/584,993 be refused.

Respectfully submitted,

COOLEY GODWARD KRONISH LLP

Date: June 24, 2009

By: 

Anne H. Peck  
Jeffrey T. Norberg  
Attorneys for Opposer Flextronics International,  
Ltd.



**CERTIFICATE OF SERVICE**

I hereby certify that on June 24, 2009, a true and correct copy of the foregoing **Notice of Opposition** was placed in the United States Mail, postage prepaid, addressed to counsel for Applicant as follows:

Kathryn M. Eyster  
Womble Carlyle Sandridge & Rice, PLLC  
PO Box 831  
Raleigh, NC 27602-0831

Date: June 24, 2009



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